

Legal Tech Predictions for 2002

By Dennis M. Kennedy

Editor's Note: In Part I of this article, legal technologist Dennis Kennedy predicts eight trends in the legal profession for 2002. In Part II, he includes the predictions of several legal technology experts.

Part I: Eight Predictions for 2002

1. Loose Security Sinks Ships

Security issues vaulted to the top of our concerns in 2001. With terrorism experts predicting outbreaks of cyberterrorism, we can't afford to drop our guard in 2002. No one, especially anyone with a full-time Internet connection, should be lax in their security measures. Add to the mix a virtual blizzard of e-mail viruses and indications that some hackers see law firms as a point of access to otherwise secure corporate information, and the conditions are ripe for serious security problems involving law firms. Expect to see at least one major story of a law firm being hacked in 2002.

2. Respond Responsively

The current psychological state will create a demand for developments in videoconferencing and related options in 2002, with significant improvements likely to come in these areas. Watch, too, for innovative uses of Net-Meeting and other Internet tools, including old Internet standbys such as message boards. The big surprise may come in the growing use of instant messaging by lawyers.

3. Microsoft—Its Own Worst Enemy?

Stories of security holes in Microsoft programs became routine this past year as hackers and virus writers used Microsoft programs for target practice. However, the warning issued by the FBI in December 2001 about security problems in Windows XP may have marked a critical turning point in the Microsoft era. In fact, the most important security site for all of us to know may well be <http://windowsupdate.microsoft.com>.

As a result, much attention will be paid this year to Microsoft and reliance on an integrated Microsoft platform. The problem: the antitrust case aside, there are few practical alternatives for most law firms. Nonetheless, look for more firms to investigate Open Source alternatives, such as Linux, the Netscape browser, e-mail alternatives to Outlook, and perhaps surprisingly, the Macintosh platform.

4. Managing the E-Mail Mess

From managing your inbox to waging war against spam to the plague of e-mail viruses, it's easy to feel overwhelmed by e-mail. Add to that the difficulty of finding old e-mails when you need them. E-mail has already created storage and bandwidth problems for many firms. But the biggest issue for many firms is simply finding ways to ensure that e-mails are made part of the client "file." Expect firms to devote considerable time and resources to this issue in 2002.

5. Personal Knowledge Management Possibilities

E-mail is just one component of the information tidal wave that washes over lawyers every day. Try remembering whether you saw a case mentioned on a website, an e-mail newsletter, a discussion list, a phone call, or by a colleague. It is not a matter of digging through a stack of papers on your desk or flipping through a legal pad any more. While many software companies are targeting the legal market with knowledge management tools, adoption of these tools in the practice at large is probably several years away. At the personal level, it's a different, and welcome story. Look for new bookmark managers, personal search assistants, and organization tools to appear throughout 2002.

6. Websites That Matter

Is your website hurting you or helping you? People increasingly rely on the Internet

for all kinds of information. The image your firm's website creates for users speaks volumes about your firm.

I expect to see by late 2002 a renewed emphasis on and evolution of law firm websites to be truly useful for both clients and the public at large and capture the benefits of being on the Web. Expect to see renewed emphasis on client services, delivery of professional services (as U.S. firms try to catch up with innovation in the United Kingdom and Australia in particular), extranets, and, believe it or not, ways to generate revenue streams from websites through pay-for-content mechanisms and other innovations.

7. Home Computing Drives Office Upgrades

Lawyers who purchase home computers often find that, in addition to having a faster, more feature-laden machine at home than in the office, they are a generation of two ahead of their firms in software.

Lawyers buying Palm and Power PC devices, e-mail pagers, and wireless devices (or receiving them as gifts) put great pressure on firms to accommodate these devices on the office system. No technologically-savvy lawyer likes feeling that technology tools hinder his or her practice. That feeling is likely to grow in 2002 and, from simple things like CD burners and scanners to handheld security issues and demand for new software versions, law firms will hear lawyers complaining about not being able to do the things they can do at home.

8. Outsourcing—A Necessary Option?

Many firms are lucky to find an information systems staff that can maintain their network. To find and keep a staff that also keeps up with security and other issues is extremely difficult. Expect to see many firms consider outsourcing network security and other traditional IS functions to third-party vendors.

Firms were rightfully wary of ASPs (Application Service Providers) in 2001, but the trend for ASPs, software subscription models, and outsourcing of certain functions has a certain inevitability to it. A tip: firms probably do not want their IS departments signing standard outsourcing agreements without review by knowledgeable attorneys. It is not yet clear what the impact will be on attorney-client privilege or confidentiality obligations of storing client data with or allowing potential access to client data by third-party service providers.

Part II: Predictions from Legal Technology Experts

• **Jim Calloway, lawyer and practice management advisor for the Oklahoma Bar Association**
<http://www.okbar.org/map/>

1. The pace of miniaturization of tech devices will continue to speed up. Already there are unbelievably tiny hard drives and ultra-small mobile hones. Soon airline travelers may ditch the hassles of their laptops in favor of a chip on a keychain that contains all of their software and data and can be plugged into a waiting computer at their destination.
2. Online education and training should boom this year. Online CLE programs offer convenience to the busy lawyer. If a law office software vendor really wants to distance itself from the competition, they should put a complete free online training program for the product on the Web.
3. Video-conferencing has really taken off in the post-9-11 world. We already have depositions with the participants in different states. How soon will it be until you can answer the court's motion docket call from your desk at your office via the Internet?

• **Wendy Leibowitz, legal technology columnist**
<http://www.wendytech.com>

The most technologically-impaired institutions in our legal system—no, not your law office, I mean the courts—will begin to make real use of electronic filing and other

tech tools to serve their clients and improve life for litigants. The year 2001 saw the U.S. Supreme Court accept electronic filings in *Bush v Gore* and, during the anthrax scare that stopped the Court's postal mail, Justice Rehnquist ordered that filings be accepted by (gasp) e-mail. Admittedly, the move to technology came because the Court had no choice, but let's take progress where we can. The courts are "getting it" when it comes to technology.

• **Sabrina I. Pacifici, law librarian; editor, publisher, Web manager, LLRX.com**
<http://www.llrx.com>

The Web will continue to be the justification for the further downsizing of law libraries, even though many of the discarded resources are in large measure simply not available on the Web, nor will they ever be. Overall costs for research will not diminish however, and the beneficiaries of this trend will be Lexis and Westlaw who continue to provide huge online libraries of retrospective and current content, along with editorial enhancements, support, and training.

• **Alan Pearlman, lawyer and legal tech expert known as "The Electronic Lawyer"™**
<http://homepage.interaccess.com/~pearlman>

1. As the cell phone companies continue to battle for market share, I foresee in the not too distant future, the time when most cell calls and phone packages are going to drop their prices in a much more drastic fashion. I also think that by the fourth quarter of 2002, many households and smaller-size law firms may use cell phone technology as their prime and only phone services, especially when it comes to long distance calling.
2. Finally, I believe that the ability to carry around and transport information from computer to computer is going to be interchangeable. With the advent of Flash technology, you can carry from 16 megabytes–1 gigabyte of information and files in devices that are now USB-effective, have no need for drivers, and are totally capable of handling all your office files.

I see this technology improving and moving forward, to the point where attorneys are going to have the ability to carry many, if not all, of their active files, right in their shirt pockets and immediately transfer that information between their home and their office, or between attorneys in the firm.

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